

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 19, 2006

Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING:

Approval of Settlement Agreement in code enforcement lien case of *Monroe County v. Riviera Drive Inn Theatre, Inc.*

ITEM BACKGROUND:

The subject property in this code violation case is a rental property owned by Riviera Drive Inn Theatre, Inc., Roger Bernstein, registered agent. The property was cited for violation of Sec. 9.5-111 for erecting a fence without a permit. The property was found in violation and brought into compliance when the fence was ultimately demolished. This case dates back to 2001 and the fine totals \$925.00. The recorded case history is sparse, therefore staff recommends settling this case for \$100.00.

PREVIOUS RELEVANT BOCC ACTION:

None.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: N/A

BUDGETED: Yes No

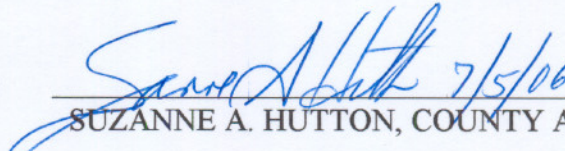
COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes XX No **AMOUNT PER MONTH**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 7/15/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included XX Not Required

DISPOSITION:

AGENDA ITEM #

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA**

The Honorable J. Jefferson Overby, Presiding

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: L5-01-1023

**RIVIERA DRIVE INN THEATRE, INC.
and ROGER BERNSTEIN,
REGISTERED AGENT,**

Respondent

SETTLEMENT AGREEMENT

The Petitioner, Board of County Commissioners of Monroe County and Riviera Drive Inn Theatre, Inc. and Roger Bernstein, registered agent, Respondent, hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent as follows:

1. The parties agree to settle the code enforcement lien for \$100.00.
2. The property in question has a legal description of LOT 8 BLOCK D, LINCOLN GARDENS #2, STOCK ISLAND, MONROE COUNTY, FLORIDA (RE#:00128750-000000).
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent shall remit a check in the amount of \$100.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent a release and satisfaction of said lien for filing by the Respondent in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.
7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

ATTEST:
DANNY L. KOLHAGE
CLERK:

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY

By: _____
Charles "Sonny" McCoy, Mayor

Dated: _____

_____, Respondent

Notary Public - State of Florida

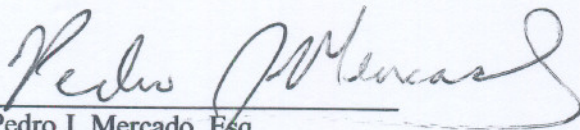
By: _____

My Commission Expires:

Dated: _____

(Seal)

This document was approved as to form by:


Pedro J. Mercado, Esq.

7/5/06

Assistant County Attorney
Florida Bar No.: 0084050
P.O. Box 1026
Key West, FL 33041-1026
(305) 292-3470